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EXAMINER	
CHAWLA, JYOTI	
ART UNIT	**PAPER NUMBER**
1794	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/506,411	DOMAZAKIS, EMMANOUIL	
	Examiner	Art Unit	
	JYOTI CHAWLA	1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 November 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *7-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

The Amendments filed November 12, 2008 have been entered. Claims 7-12 have been amended. Claims 7-12 remain pending and are examined in the application.

Specification

Applicant's amendment to the specification dated 11/12/2008, arranging the previously disclosed subject matter according to 37 CFR 1.77(b) has been received. Applicant has not complied with the following requirements:

Abstract of the Disclosure

As discussed in the previous office action, the abstract of the disclosure has to be a single paragraph and applicant's submission of 11/12/08 does not comply with that requirement and therefore **is not entered**. Applicant is referred to 37 CFR 1.77(b) for details.

(k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

Claims

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o), as stated in the previous office action under step(j) of the specification. Correction of the following is required: Since claims 7-12 dated 9/01/04 were part of the application as filed, they are part of original disclosure. Applicant is required to include the subject matter recited in the originally filed claims, i.e., claims filed 9/01/04, in the specification if it is not a part of the specification already. As filed on 9/01/04, the ranges for feta type cheese and olive

oil in claims 8-9 ("olive oil incorporation between 2% and 20%" and "feta incorporation between 2% and 25 %") are broader than the ranges disclosed in the specification "of olive oil can vary between 5% and 15% and the addition of feta between 5% and 20 % of the final product" (see last 2 lines on page 4 of the formatted specification (submitted 11/12/2008)). Applicant is required to make the necessary corrections to original disclosure and include the proportions of originally recited claims 8-9. Applicant is required to follow 35 U.S.C. 132(a), which states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure of 9/01/04 will not be entered.

Claim Objections

Objections made to claims 11-12 made in the previous office action for recitation of term "which is characterized by" have been withdrawn based on applicant's amendments dated 11/12/2008.

Claim Rejections - 35 USC § 112(First paragraph)

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Rejection of claims 7-12 35 U.S.C. 112, first paragraph "resulting product temperature not exceeding 4°C" have been withdrawn based on applicant's amendments cancelling the undisclosed matter.

Claims 7-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the instant case, the amendments to claims 7 and 11, which include the following:

- Recitation of "stably incorporated" in claim 7 (lines 3-4 and step 9(d)); in claim 11 (line 2 step (c)) and claim 12.

Applicant disclosure does not disclose the term “stably incorporated” and also does not disclose stability when feta type cheese is incorporated (see Publication of application [0013] and [0030]). Thus, the original disclosure of the applicant discloses incorporation but does not disclose that the incorporation will be stable. The disclosure also does not define what is stable or stability when feta type cheese is added to the meat and olive oil mixture. The recitation of “feta type cheese is stably incorporated" as recited in claims 7, 11 and 12, does not find support in the original disclosure, and is therefore, considered to be new matter.

Claims 7 and 11 also recite “instead of conventionally used animal fat”. Applicant’s disclosure supports *instead of animal fat* (see Publication of application [0002] and [0027]), however, as disclosed there is no support for “instead of conventionally used animal fat”

Similarly claims 7 and 11 also recite “pasteurized to a core temperature of 71ºC”, wherein the core temperature limitation was not originally disclosed (see Publication of application [0056]). The recitation of “pasteurized to a core temperature of 71ºC” in amended claims 7 and 11 introduces new matter because surface pasteurization is done for food products where possibility of microbial contamination of the inside or core is low or minimal.

Further, amended claims 8 and 9 provide amounts of olive oil and feta type cheese , wherein the proportions have been recited as “2-20% by volume” (Claim 8) and “2-25% by volume” (claim 9). Applicant's original claims included the proportions, however, the limitation by volume was not originally disclosed. Further, the disclosure does not support any claim to why the proportions of food ingredients are calculated by volume and the difference, if any, between calculating proportions by volume as compared to calculations by weight. Thus, the limitation “by volume” as recited in claims 8-9, introduces new matter.

Therefore, claims 7-12 contain new subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant is required to cancel the new matter in reply to this office action.

Claim Rejections - 35 USC § 112(second paragraph)

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Rejections made under 35 USC 112(second paragraph) to Claim 7(c) for "with simultaneous vacuum application for 3 min with the resulting product temperature not exceeding 4°C", and step (e) for not defining any specific relationship between the "diameter" and the "total heat treatment time" have been withdrawn based on applicant's amendments of 11/12/08. Similar rejections of claim 11 and 8-9 have also been withdrawn based on applicant's amendments of 11/12/08.

Claims 7-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7-10 are indefinite as claim 7 line 2 recites "instead of conventionally used animal fat". The term "conventionally used" in claim 7 is a relative term which renders the claim indefinite. The term "conventionally used" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Thus, as disclosed it is unclear as to which of the animal fats are considered conventional and further different people in different parts of the world have different meaning for what is considered conventional animal fat. Therefore the claim as recited is indefinite.

In claims 7-12, applicant recites "feta type cheese" (emphasis added), (line 2 and step (d), claims 9-12) which renders the claim indefinite. The term "_feta type cheese " is not defined by the claim. It is unclear which cheese varieties are included in the "feta type cheese". Are the cheese varieties similar to feta in color, texture, taste, physical properties, cooking properties or any other characteristics. Thus, as disclosed neither the claim nor the specification provides a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of what is

encompassed by the term “feta type cheese” and therefore, the claims as recited are indefinite.

Claims 7-12 also recite “stably incorporated” (emphasis added), which renders the claim indefinite. The term " stably incorporated " is not defined by the claim. It is unclear as to what type of stability (physical or chemical or storage or something else) is encompassed by the phrase “stably incorporated”. The specification does not disclose stability. Thus, as disclosed neither the claim nor the specification provides a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of what is encompassed by the term “stably incorporated” and therefore, the claim as recited is indefinite.

Claims 7-12 are also indefinite for the recitation of “finely chopped” (emphasis added), which is a relative term which renders the claim indefinite. The term " finely chopped" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Thus, as disclosed it is unclear as to what would be regarded as finely chopped. Further different people in the art have different meaning for what is considered finely chopped. Therefore the claim as recited is indefinite.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

(A) Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Domazakis (WO 02/065860) in view of Hans Drexel (DE 10065633 A1) German document and machine translation.

The references and rejection are incorporated herein and as cited in the office action mailed 5/14/2008.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(b).

Regarding amended claims 7 and 10, Domazakis teaches of a method for preparing meat-based products, which is characterized by the incorporation of olive oil instead of animal fat (Page 1, line 3), and the addition of milk protein comprising the following steps:
Regarding steps (a) and (b) Domazakis teaches mixing thin-chopped (i.e., finely chopped), non-fat (i.e., fat-free) meat at a temperature of 0 ^{0}C with water at a temperature of -2^0C, polyphosphoric salts, preservatives and spices (i.e., auxiliary salts). The mixture is mixed and when the temperature of the mixture is 2^0C, olive oil is added (Page 3, lines 24-28);
Regarding step (c), Domazakis continues mixing with simultaneous vacuum application for 3 minutes until the resulting mixture temperature rises up to 4^0C (Page 3, lines 29-31), as instantly claimed.
Regarding step (e) Domazakis teaches of conveying the resulting mixture to a filling machine, where with a simultaneous vacuum is applied while encasing the mixture followed by pasteurization at 71^0C (Page 3, lines 31-36), as instantly claimed.
Domazakis is silent about pasteurizing to the core temperature, however, Domazakis is pasteurizing meat and olive oil composition that has been encased (sausage type food) like the applicant. Domazakis also teaches the pasteurization to the same temperature of 71^0C as recited by the applicant. Further pasteurization methods were known in the art at the time of the invention. Therefore, it would have been obvious to one of ordinary skill in the art to modify Domazakis and specifically pasteurize the meat filed sausage type product in such a way as to reach a core temperature of 71^0C, at least in order to ensure the microbial safety of the meat and olive oil based product.
Note: Applicant is also referred to rejections under 112 (first) regarding the core temperature.

Regarding step (f) Domazakis teaches moving the resulting product into a freezer unit at a maximum temperatures of -2^0C to 2^0C (Page3, lines 35-36), which includes applicant's recited temperature.

Thus, Domazakis teaches of the process of making the meat based product as instantly claimed. Regarding step (d) Domazakis teaches addition of milk proteins and continuing vacuum mixing until the resulting mixture temperature rises up to 4^0C (Page 3, lines 26-36). Process taught by Domazakis produces pork meats with olive oil products with excellent stability (Domazakis, page 3, lines 38-43), i.e., stable incorporation. However, Domazakis is silent as to the addition of feta type cheese and stable incorporation throughout the mixture. However, it was known at the time of the invention that cheeses comprise milk proteins and meat products containing cheese were known at the time of the invention (e.g., Bratwurst Links with cheddar). Further, sausages wherein soft and/ or fresh cheeses are added to the meat in order to make a low fat sausage product were also known at the time of the invention as taught by Hans Drexel, hereinafter, Drexel (Abstract). Thus, sausage type foods comprising cheese were known in the art at the time of the invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method as taught by Domazakis and add cheese to the meat and olive oil mixture based on the teachings of Drexel. One would have been motivated to add cheese at least to provide an additional protein source in the meat product and make a cheese flavored meat sausage as taught by Drexel.

Regarding feta type cheese as recited in claims, Drexel teaches of addition of fresh and soft cheese to the meat sausage product (Translation pages 1-2). Further, feta was known at the time of the invention as a soft cheese. Therefore, to substitute any soft or fresh cheese for another in the process of making sausage product of Domazakis based on the teachings of Drexel would have been a matter of routine determination to one of ordinary skill in the art at the time of the invention. One of ordinary skill would have been motivated to substitute one art recognized functional equivalent (i.e. soft /fresh cheese) for another (i.e. feta cheese) in the process of making the meat based sausage product

as disclosed by Domazakis (modified by Drexel), at least for the reasons of taste preference, availability and affordability of a cheese at the time the invention was made. Note: Applicant is also referred to rejections under 112 (first) regarding "stably incorporated" and 112 (second) regarding feta type cheese.

Regarding claim 8 Domazakis teaches of addition of olive oil. Addition of olive oil to meat is done for maximum possible substitution of animal fat (Domazakis, page 3, lines 10-15). Domazakis also teaches that the meat and olive oil products are produced by a process (as discussed regarding claim 7) wherein the products have excellent stability. However the reference does not teach specific amounts in which olive oil could be incorporated in the final meat, cheese and olive oil product. However, addition of varying amounts of oils and fats in meat products was known in the art at the time of the invention and it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Domazakis and specify the amount of olive oil in the meat based products at least based on the optimal color, texture, creaminess, flavor, protein and fat content desired while maintaining product stability. Modifying Domazakis to specify the amount of olive oil would not have involved an inventive step, and thus, does not provide patentable distinction to the claims.

Regarding claim 9 Domazakis in view of Drexel teaches of addition of cheese. Regarding the amount of cheese Drexel teaches that the amount of cheese can be varied from 10-75 % by weight based on the weight of meat (Abstract and translation page 1, paragraph 1), which includes applicants recited range of 2-25%. Regarding the proportions being measured by volume, it is noted that the applicant has not disclosed that the measures are by volume in the specification (See 112 (first)). Further the applicant fails to establish any criticality of the proportions and their measurement by volume in the disclosure. Therefore it would have been a matter of routine determination for one of ordinary skill in the art at the time of the invention to further modify Domazakis, in view of Drexel and add the amount of cheese in the range of 10-75%

based on the weight of meat. One would have been motivated to do so at least to make the meat and oil emulsion have desired organoleptic properties.
It is noted that varying relative amounts of meat, cheese and oil, based on the optimal color, texture, creaminess, flavor, protein and fat content desired would not have involved an inventive step, and thus, does not provide patentable distinction to the claims. Thus, the claimed invention would have been obvious over the combination of Domazakis and Drexel, absent any clear and convincing evidence and/or arguments to the contrary . Further, applicant's attention is invited to *In re Levin*, 84 USPQ 232 and the cases cited therein, which are considered in point in fact situation of the instant case. At page 234, the Court stated as follows:
This court has taken the position that new recipes or formulas for cooking food which involve the addition or elimination of common ingredients, or for treating them in ways which differ from the former practice, do not amount to invention, merely because it is not disclosed that, in the constantly developing art of preparing food, no one else ever did the particular thing upon which the applicant asserts his right to a patent. In all such cases, there is nothing patentable unless the applicant by a proper showing further establishes a coaction or cooperative relationship between the selected ingredients, which produces a new, unexpected and useful function. In re Benjamin D. White, 17 C.C.P.A. (Patents) 956, 39 F.2d 974, 5 USPQ 267; In re Mason et al., 33 C.C.P.A. (Patents) 1144, 156 F.2d 189, 70 USPQ 221.

Regarding amended claims 11 and 12, see the rejection of claim 7and 10. Claim 11 differs from claim 7 by elimination of the step of addition of olive oil, however, since the method as instantly claimed is a method comprising the steps, thus the reference still teaches of the process as recited in claim 11. Thus, claim 11 is rejected for the same reasons as discussed regarding the rejection of claim 7 above.

(B) Rejection of claims 7-12 under 35 U.S.C. 103(a) as being unpatentable over Stevens et al (GB1108994) (IDS) in view of the combination of Christiensen et al (US

5654028), Sonoma sausage and Farkye et al (US 5766657) have been withdrawn based on applicant's amendments.

Double Patenting

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

I) Rejection of claims 7-12 on the ground of provisional nonstatutory obviousness-type double patenting as being unpatentable over claims 6-12 of copending Application No.10/506,417 is maintained for the reasons of record.

II) Applicant's argument regarding the provisional nonstatutory obviousness-type double patenting rejection of claims 7-12 over claims 1-2 of U. S. Patent No. 7026007 B2 is that U. S. 7026007 claims "raw milk protein" and the current invention claims "cheese" (remarks, page 8, Para 3) and thus, they are not obvious variants, is not persuasive. First of all, the claim 1 of US 7026007 B2 recites "milk protein" and does not recite the source of milk protein. Further, in response to applicant's assertion that cheese does not contain any milk protein, it is noted that cheese contains protein. Thus, it would have been obvious to one of ordinary skill that a milk protein product may be provided in the form of cheese the meat based composition of Domazakis.

Thus, the process of making meat and olive oil and cheese based composition is an obvious variant of the process of making milk, olive oil and milk protein based food product and is till deemed that, if allowed, would improperly extend the "right to exclude" already granted in the patent.

Therefore, applicant's arguments regarding the provisional nonstatutory obviousness-type double patenting rejection of claims 7-12 over claims 1-2 of U. S. Patent No. 7026007 B2 is that U. S. 7026007 have been considered, however, the obviousness-type double patenting rejection made in the previous office action is still deemed proper and maintained for reasons of record.

Response to Arguments

Applicant's response dated 11/12/08 regarding the specification and abstract has been acknowledged and responded above.
Applicant's remarks regarding the 112 rejections have been considered and responded in the office action above.
Applicant's arguments dated 11/12/2008 with respect to rejection of claims 7-12 under 35 U.S.C. 103(a) as being unpatentable over Stevens in view of the combination of Christiensen, Sonoma sausage and Farkye are moot in view of withdrawal of rejection.

Applicant's arguments filed 11/12/08 regarding the rejection of claims 7-12 over Domazakis in view of Drexel have been fully considered but they are not persuasive.

i) Applicant's allegation that "It is very clear from the Domazakis reference that the disclosure does not teach the incorporation of a cured cheese, but to the contrary is using milk protein, a constituent of raw milk, together with vegetable protein, polyphosphates, water and salt for the incorporation of olive oil in lean meat" (Remarks, Page 6). In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In the instant case Domazakis has been relied upon to teach a process of making meat and olive oil based food product as instantly claimed. Process taught by Domazakis also includes incorporation of milk protein. Domazakis does not specify the source of milk protein and is silent about the addition of cheese. However, cheese containing meat products were known and available at the time of the invention as taught by Drexel (abstract and machine translation). Therefore, it would have been a matter of routine determination for one of ordinary skill in the art at the time of the invention to modify the process of Domazakis to include addition of cheese, to incorporate the organoleptic properties of cheese into the meat and olive oil product of Domazakis while also increasing the protein content. Regarding the specific type of cheese included in the process of making the meat product of modified Domazakis, one

of ordinary skill would have been motivated to substitute one art recognized functional equivalent (i.e. soft /fresh cheese) for another (i.e. feta cheese) in the process of making the meat based sausage product as disclosed by Domazakis (modified by Drexel), at least for the reasons of taste preference, availability and affordability of a cheese at the time the invention was made. (Also see rejection of claims above for further details). Therefore, the invention as claimed is obvious over Domazakis, in view of Drexel, absent any clear and convincing arguments or evidence to the contrary.

ii) Applicant's assumption that "The term "milk protein" placed in the Google search engine will make is very clear to the Examiner that milk protein is a basic constituent of raw milk that in no way, shape, or form can be considered to be "cheese"" is unsubstantiated as cheese products also contain milk protein.
Similarly applicant's assertion that "It is very clear from the Domazakis reference that the disclosure does not teach the incorporation of a cured cheese, but to the contrary is using milk protein, a constituent of raw milk," is not persuasive. It is noted that Domazakis does not disclose a source of "milk protein" in the reference. Thus, applicant's claim that milk protein as disclosed by Domazakis is a constituent of "raw milk" is unsubstantiated.

iii) Applicant's argument that "By direct contrast, the present Application teaches the direct incorporation of feta-type cheese, which it is to be noted is not characterized as being a milk protein, but rather is a cured feta-type cheese. The cited Domazakis reference in no way suggests to or teaches one of ordinary skill in the art how to incorporate a cured feta-type cheese into a meat based product" (Remarks, page 6, last 6 lines).
The applicant also states "The object of the present invention is to preserve the feta cheese texture and appearance" and "The preservation of the original texture, solidness and maximum size of feta particles in a meat emulsion subjected to both temperature and mechanical stress is an object of the present invention." (Remarks, page 7, Para 2).
In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., cured feta-type cheese, preservation of feta type cheese texture, size and solidness and appearance) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JYOTI CHAWLA whose telephone number is (571)272-8212. The examiner can normally be reached on 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer McNeil can be reached on (571) 272-1540. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JC/
Examiner
Art Unit 1794

/JENNIFER MCNEIL/
Supervisory Patent Examiner, Art Unit 1794